



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2405388
Applicant Name: Rick Cardoza
Address of Proposal: 3310 E Spring Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for future installation of a minor communication utility (Nextel) on the rooftop of an existing retail/apartment building. The proposed utility consists of 11 panel antennas in three sectors. The project includes electronic equipment to be located in new penthouse.

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

Site and Area Description

The subject is located in a Neighborhood Commercial (NC1-30) zoned site, on the northeast corner of the intersection of East Spring Street and 33rd Avenue. The lot contains one three-story mixed-use building, comprised of retail on the ground floor and residential above.

Development in the Vicinity

The block faces on both the north and south sides of East Spring Street between 33rd and 34th Avenues are zoned NC1-30. The adjacent parcels to the north of the site are zoned Lowrise 2. The remainder of the immediately surrounding parcels is both L2 and Single Family 5000. Surrounding uses are the Madrona School and playground across 33rd Avenue to the west, a City of Seattle Park to the south across East Spring Street, a mixed use building to the east and single family structures adjacent and to the north.

Proposal Description

The applicant proposes to establish use for future installation of a minor communication utility on the roof of an existing commercial and residential building. The proposed utility consists of 11 panel antennas in three sectors. The antennas and electronic equipment will be located in an addition to the existing mechanical / stair penthouse. The penthouse will be designed and constructed of material that will match the existing penthouse. The antennas and equipment will be screened behind the penthouse walls; none of the installation will be visible from the outside.

Public Comments

The public comment period for this project ended on October 13, 2004. No comments were received.

SEPA ANALYSIS

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated July 16, 2004 and annotated by the Department. Information in the checklist was supplemented by documentation by David Pinon, P.E., Radio Frequency Engineer that certifies that the proposed installation will comply with FCC regulations regarding EMR emissions. The information in the checklist, supplemental information provided by the applicant (floor plans and details) and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between the codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part: *"Where City regulations have been adopted to address environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,"* subject to some limitations. Thus, the mitigation that may be required pursuant to SEPA authority is limited.

Short Term Impacts

Environmental Health

The Federal Communications Commission (FCC) has pre-empted state and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions. As such, no mitigation measures are warranted pursuant to the SEPA Overview Policy (SMC 23.05.665).

The applicant has submitted a “Statement of Federal Communication Commission Compliance for Personal Wireless Service Facility” for this proposed facility giving the calculations of radio frequency power density at roof level expected from this proposal and attesting to the qualifications of the Professional Engineer who made this assessment. This complies with the Seattle Municipal Code Section 25.10.300 that contains Electromagnetic Radiation standards with which the proposal must conform. The Department’s experience with review of this type of installation is that the EMR emissions constitute a small fraction of that permitted under both Federal standards and the standards of SMC 25.10.300 and therefore pose no threat to public health.

Construction and Noise Impacts

Codes and development regulations applicable to this proposal will provide sufficient mitigation for most impacts. The initial installation of the antennas may include loud equipment and activities. This construction activity may have an adverse impact on nearby residences. Due to the close proximity of nearby residences, the Department finds that the limitations of the Noise Ordinance are inadequate to appropriately mitigate the adverse noise impacts associated with the proposal. The SEPA Construction Impact policies, (SMC 25.05.675.B) allow the Director to limit the hours of construction to mitigate adverse noise and other construction-related impacts. Therefore, the proposal is conditioned to limit construction activity to non-holiday hours between 7:30 a.m. and 6:00 p.m.

Long Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal, namely increased in demand for energy and increased generation of electromagnetic radiation emission. These long-term impacts are not considered significant or of sufficient adversity to warrant mitigation.

Visual

SMC 23.57.016 will provide sufficient mitigation for impacts (see *Proposal Description* above).

DECISION

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined not to have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

CONDITIONS

During Construction

The following condition to be enforced during construction shall be posted at the site in a location on the property that is visible and accessible to the public and to construction from both street right-of-ways. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. In order to further mitigate the noise impacts during construction, the hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature or allow low noise exterior work after approval from the Land Use Planner.

Signature: (signature on file) Date: July 14, 2005
Art Pederson, Land Use Planner
Department of Planning and Development
Land Use Services